

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 LATONYA TYUS, *et al.*,

6 Plaintiffs,

7 vs.

8 WENDY'S OF LAS VEGAS, *et al.*,

9 Defendants.

2:14-cv-00729-GNM-VCF

ORDER

10 Before the Court is Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP's Motion to Withdraw as
11 Counsel for Plaintiffs Terron Sharp and Linda Davis (#50).

12 **Relevant Background:**

13 On May 20, 2014, Plaintiffs filed a Class Action Complaint alleging Defendants' failure to pay
14 Plaintiffs and other similarly-situated employees who are members of the Class, the lawful minimum wage
15 and because Defendants improperly claim, or have claimed, the right to compensate employees at a
16 reduced minimum wage rate under Nev. Const. art. XV, § 16. (#3). Phase 1 discovery closed on May 1,
17 2015. (#33). There two pending dispositive motions. (#48 and 52).

18 On May 13, 2015, counsel for Plaintiffs Terron Sharp and Linda Davis filed the instant motion to
19 withdraw as counsel. (#50). To date, no opposition has been filed.

20 **Motion To Withdraw As Counsel (#50):**

21 Counsel, Bradley Schrager, Esq., Daniel Bravo, Esq., Don Springmeyer, Esq., and the law firm of
22 Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, seek to withdraw as counsel for Plaintiffs Terron Sharp
23 and Linda Davis. (#50). Counsel cite a break down in communications between them and Plaintiffs Sharp
24 and Davis. Counsel have informed Plaintiffs Sharp and Davis of the motion to withdraw as counsel from
25 this case. *Id.*

1 **Discussion:**

2 Pursuant to Local Rule IA 10-6(b), “[n]o attorney may withdraw after appearing in a case except
3 by leave of [c]ourt after notice has been served on the affected client and opposing counsel.” “Except for
4 good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any
5 hearing in the case would result.” LR IA 10-6(e). Nevada Rule of Professional Conduct 1.16(b)(5)
6 provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer
7 regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw
8 unless the obligation is fulfilled.” Here, based on Plaintiffs Sharp and Davis' counsel’s representation of
9 irreconcilable differences, the Court permits counsel to withdraw. LR IA 10-6(b); NRPC 1.16(b)(5). The
10 deadlines for phase two of discovery has not been set. Plaintiffs' Motion for Partial Summary Judgment
11 (#48) is fully briefed and pending in this action. On May 14, 2015, Defendants' filed their Motion for
12 Summary Judgment (#52). The parties have stipulated to extending the filing of the response to the
13 summary judgment motion to June 15, 2015. (#54).

14 The Court finds that permitting counsel to withdraw would not result in delay. LR IA 10-6(e).

15 Accordingly, and for good cause shown,

16 IT IS ORDERED that the Motion to Withdraw as Counsel for Plaintiffs Terron Sharp and Linda
17 Davis (#50) is GRANTED.

18 IT IS FURTHER ORDERED that the Clerk of the Court will mail a copy of this order to Plaintiffs
19 at the following addresses:

20 Linda Davis
21 1251 S. Cimarron, #53
Las Vegas, Nevada 89117

22 Terron Sharp
23 5474 Winning Spirit Ln
Las Vegas, Nevada 89113

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1 IT IS FURTHER ORDERED that Plaintiffs Sharp and Davis must retain counsel within 30 days
2 from the entry of this order. Motion to certify class pending. Putative class requires that the plaintiffs
3 appear through counsel.
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5 DATED this 5th day of June, 2015.

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8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE
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